

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

PPS DATA, LLC,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 2:12-cv-00053-HCM-DEM
	:	
RDM PAYMENT SOLUTIONS, INC., and	:	
RDM CORPORATION,	:	
Defendants.	:	

STIPULATION OF DISMISSAL

WHEREAS Plaintiff PPS Data, LLC (“PPS Data”) filed the above-captioned lawsuit on January 26, 2012. PPS Data filed suit in this District in part on the basis that Defendant RDM Corporation maintained a place of business at Fairfax Station, Virginia.

WHEREAS, Defendants RDM Corporation and RDM Payment Solutions, Inc. (collectively, “RDM”) advised PPS Data of its intention to move to transfer venue to the U.S. District Court for the District of Delaware.

WHEREAS, based on the representations made by RDM and to avoid unnecessary motions practice and delay, and without taking a position on the merits of RDM’s contemplated motion, PPS Data advised RDM that it would not oppose its motion to transfer venue. Accordingly, on March 12, 2012, RDM and PPS Data filed a joint motion to transfer venue to the District of Delaware (*see* dkt #14).

WHEREAS, the parties wish to avoid burdening this Court with further briefing and motions practice, and further, RDM has now asked PPS Data to stipulate to dismissal without prejudice and refile its complaint in the District of Delaware.

THEREFORE, it is hereby stipulated and agreed, by and between the parties hereto and through their respective counsel, that this matter be dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

FURTHER, it is stipulated and agreed that RDM (a) will waive service of PPS Data’s refiled complaint, (b) will not contest jurisdiction in the District of Delaware, (c) will promptly

file an answer to PPS Data's refiled complaint in Delaware that does not raise any additional defenses and counterclaims beyond those already pled in the answer (dkt #13) RDM filed in this Court, and (d) will not move to dismiss PPS Data's refiled complaint or otherwise file any other motions pursuant to Fed. R. Civ. P. 12.

Dated: June 1, 2012

/s/
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